



(4337-15)

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

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### Rate Adjustments for Indian Irrigation Projects

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

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**SUMMARY:** The Bureau of Indian Affairs (BIA) owns or has an interest in irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We are notifying you that we have adjusted the irrigation assessment rates at several of our irrigation projects and facilities to reflect current costs of administration, operation, maintenance, and rehabilitation.

**DATES:** The irrigation assessment rates are current as of January 1, 2016.

**FOR FURTHER INFORMATION CONTACT:** For details about a particular BIA irrigation project or facility, please use the tables in the SUPPLEMENTARY INFORMATION section to contact the regional or local office where the project or facility is located.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Rate Adjustment was published in the Federal Register on August 5, 2016 (81 FR 51927) to propose adjustments to the irrigation assessment rates at several BIA irrigation projects. The public and interested parties were provided an opportunity to submit written comments during the 60-day period that ended October 4, 2016.

**Did BIA defer or change any proposed rate increases?**

Yes. For the Flathead and Duck Valley Indian Irrigation Projects the rate increase to \$33.50 and \$6.30, respectively, as published in the proposed notice for the 2016 rate was not implemented. The final 2016 rate will remain at the 2015 amounts of \$26.00 and \$5.30. All other rates are to be implemented at the respective irrigation project as published.

**Did BIA receive any comments on the proposed irrigation assessment rate adjustments?**

No. The BIA did not receive any comments to the proposed irrigation assessment rate adjustment.

**Does this notice affect me?**

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

**Where can I get information on the regulatory and legal citations in this notice?**

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Printing Office at *www.gpo.gov*.

**What authorizes you to issue this notice?**

Our authority to issue this notice is vested in the Secretary of the Interior (Secretary) by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary – Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior’s Departmental Manual.

**Whom can I contact for further information?**

The following tables are the regional and project/agency contacts for our irrigation facilities.

<b>Northwest Region Contacts</b>	
Stanley Speaks, Regional Director Bureau of Indian Affairs, Northwest Regional Office 911 N.E. 11 <sup>th</sup> Avenue Portland, OR 97232-4169 Telephone: (503) 231-6702	
Project Name	Project/Agency Contacts
Flathead Indian Irrigation Project	Pete Plant, Acting Superintendent Pete Plant, Irrigation Project Manager P.O. Box 40 Pablo, MT 59855 Telephones: (406) 675-2700 ext. 1300 Superintendent (406) 745-2661 ext. 2 Project Manager
Fort Hall Irrigation Project	David Bollinger, Irrigation Project Manager Building #2 Bannock Ave Fort Hall, ID 83203-0220 Telephone: (208) 238-6264
Wapato Irrigation Project	David Shaw, Superintendent Larry Nelson, Acting Project Administrator P.O. Box 220 Wapato, WA 98951-0220 Telephones: (509) 865-2421 Superintendent (509) 877-3155 Acting Project Administrator

<b>Rocky Mountain Region Contacts</b>	
Darryl LaCounte, Regional Director Bureau of Indian Affairs, Rocky Mountain Regional Office 2021 4 <sup>th</sup> Avenue North Billings, MT 59101 Telephone: (406) 247-7943	
Project Name	Agency/Project Contacts
Blackfeet Irrigation Project	Thedis Crowe, Superintendent Greg Tatsey, Irrigation Project Manager Box 880 Browning, MT 59417 Telephones: (406) 338-7544, Superintendent (406) 338-7519, Irrigation Project Manager
Crow Irrigation Project	Vianna Stewart, Superintendent John Anevski, Acting Irrigation Project Manager P.O. Box 69 Crow Agency, MT 59022 Telephones: (406) 638-2672, Superintendent (406) 247-7998, Acting Irrigation Project Manager

Fort Belknap Irrigation Project	John St. Pierre, Superintendent Vacant, Irrigation Project Manager (Project operation & maintenance contracted to Tribes) R.R.1, Box 980 Harlem, MT 59526 Telephones: (406) 353-2901, Superintendent (406) 353-8454, Irrigation Project Manager (Tribal Office)
Fort Peck Irrigation Project	Howard Beemer, Superintendent Huber Wright, Acting Irrigation Project Manager P.O. Box 637 Poplar, MT 59255 Telephones: (406) 768-5312, Superintendent (406) 653-1752, Irrigation Project Manager
Wind River Irrigation Project	Norma Gourneau, Superintendent John Anevski, Acting Irrigation Project Manager P.O. Box 158 Fort Washakie, WY 82514 Telephones: (307) 332-7810, Superintendent (307) 247-7998, Acting Irrigation Project Manager

### Southwest Region Contacts

William T. Walker, Regional Director  
Bureau of Indian Affairs, Southwest Regional Office  
1001 Indian School Road  
Albuquerque, NM 87104  
Telephone: (505) 563-3100

Project Name	Project/Agency Contacts
Pine River Irrigation Project	Priscilla Bancroft, Superintendent Vickie Begay, Irrigation Project Manager P.O. Box 315 Ignacio, CO 81137-0315 Telephones: (970) 563-4511, Superintendent (970) 563-9484, Irrigation Project Manager

### Western Region Contacts

Bryan Bowker, Regional Director  
Bureau of Indian Affairs, Western Regional Office  
2600 N. Central Ave.  
4<sup>th</sup> Floor Mailroom  
Phoenix, AZ 85004  
Telephone: (602) 379-6600

Project Name	Project/Agency Contacts
Colorado River Irrigation Project	Kellie Youngbear Superintendent Gary Colvin, Irrigation Project Manager 12124 1 <sup>st</sup> Avenue Parker, AZ 85344 Telephone: (928) 669-7111

Duck Valley Irrigation Project	Joseph McDade, Superintendent (Project operation & management compacted to Tribes) 2719 Argent Ave., Suite 4, Gateway Plaza Elko, NV 89801 Telephone: (775) 738-5165 (208) 759-3100, (Tribal Office)
Yuma Project, Indian Unit	Denni Shields, Superintendent 256 South Second Avenue, Suite D Yuma, AZ 85364 Telephone: (928) 782-1202
San Carlos Irrigation Project Indian Works and Joint Works	Ferris Begay, Project Manager Clarence Begay, Irrigation Manager 13805 N. Arizona Boulevard Coolidge, AZ 85128 Telephone: (520) 723-6225
Uintah Irrigation Project	Bart Stevens Superintendent Ken Asay, Irrigation System Manager P.O. Box 130 Fort Duchesne, UT 84026 Telephone: (435) 722-4300 (435) 722-4344
Walker River Irrigation Project	Robert Eben, Superintendent 311 E. Washington Street Carson City, NV 89701 Telephone: (775) 887-3500

**What irrigation assessments or charges are adjusted by this notice?**

The rate table below contains the current rates for all irrigation projects where we recover costs of administering, operating, maintaining, and rehabilitating them. The table also contains the final rates for the 2016 calendar year and subsequent years where applicable. An asterisk immediately following the rate category notes the irrigation projects where 2016 rates are different from the 2015 rates.

<b>Northwest Region Rate Table</b>				
Project Name	Rate Category	Final 2015 Rate	Final 2016 Rate	Final 2017 Rate **
Flathead Indian Irrigation Project (See Note #1)	Basic-per acre – A	\$26.00	\$26.00	\$26.00
	Basic-per acre – B	\$13.00	\$13.00	\$13.00
	Minimum Charge per tract	\$75.00	\$75.00	\$75.00

Project Name	Rate Category	Final 2015 Rate	Final 2016 Rate
Fort Hall Irrigation Project	Basic per acre *	\$49.00	\$52.00
	Minimum Charge per tract *	\$35.00	\$37.00
Fort Hall Irrigation Project - Minor Units	Basic per acre *	\$27.00	\$31.00
	Minimum Charge per tract *	\$35.00	\$37.00
Fort Hall Irrigation Project – Michaud	Basic per acre *	\$50.50	\$55.00
	Pressure per acre *	\$72.50	\$83.00
	Minimum Charge per tract *	\$35.00	\$37.00
Wapato Irrigation Project – Toppenish/Simcoe Units	Minimum Charge per bill *	\$24.00	\$25.00
	Basic per acre *	\$24.00	\$25.00
Wapato Irrigation Project - Ahtanum Units	Minimum Charge per bill *	\$25.00	\$30.00
	Basic per acre *	\$25.00	\$30.00
Wapato Irrigation Project - Satus Unit	Minimum Charge per bill	\$79.00	\$79.00
	“A” Basic per acre	\$79.00	\$79.00
	“B” Basic per acre	\$85.00	\$85.00
Wapato Irrigation Project - Additional Works	Minimum Charge per bill *	\$75.00	\$78.00
	Basic per acre *	\$75.00	\$78.00
Wapato Irrigation Project - Water Rental	Minimum Charge	\$86.00	\$86.00
	Basic per acre	\$86.00	\$86.00

**Rocky Mountain Region Rate Table**

Project Name	Rate Category	Final 2015 Rate	Final 2016 Rate
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Blackfeet Irrigation Project	Basic-per acre	\$20.00	\$20.00
Crow Irrigation Project – Willow Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units)	Basic-per acre *	\$24.80	\$26.00
Crow Irrigation Project – All Others (includes Bighorn, Soap Creek, and Pryor Units)	Basic-per acre *	\$24.80	\$26.00
Crow Irrigation Project - Two Leggins Unit	Basic-per acre	\$14.00	\$14.00
Crow Irrigation Two Leggins Drainage District	Basic-per acre	\$2.00	\$2.00
Fort Belknap Irrigation Project	Basic-per acre *	\$15.00	\$16.00
Fort Peck Irrigation Project	Basic-per acre	\$26.00	\$26.00
Wind River Irrigation Project – Units 2, 3 and 4	Basic-per acre *	\$21.00	\$22.50
Wind River Irrigation Project – Unit 6	Basic-per acre	\$21.00	\$21.00
Wind River Irrigation Project – LeClair District (see Note#2)	Basic-per acre *	\$25.70	\$47.00
Wind River Irrigation Project – Crow Heart Unit	Basic-per acre *	\$14.00	\$15.50
Wind River Irrigation Project – A Canal Unit	Basic-per acre *	\$ 14.00	\$15.50
Wind River Irrigation Project – Riverton Valley Irrigation District	Basic-per acre *	\$21.00	\$26.00

<b>Southwest Region Rate Table</b>			
Project Name	Rate Category	Final 2015 Rate	Final 2016 Rate
Pine River Irrigation Project	Minimum Charge per tract	\$50.00	\$50.00
	Basic-per acre *	\$17.00	\$18.00

Western Region Rate Table			
Project Name	Rate Category	Final 2015 Rate	Final 2016 Rate
Colorado River Irrigation Project	Basic per acre up to 5.75 acre-feet	\$54.00	\$54.00
	Excess Water per acre-foot over 5.75 acre-feet	\$17.00	\$17.00
Duck Valley Irrigation Project	Basic per acre	\$5.30	\$5.30
Yuma Project, Indian Unit (See Note #3)	Basic per acre up to 5.0 acre-feet *	\$108.50	\$113.00
	Excess Water per acre-foot over 5.0 acre-feet	\$24.50	\$24.50
	Basic per acre up to 5.0 acre-feet (Ranch 5) *	\$108.50	\$113.00

Project Name	Rate Category	Final 2015 Rate	Final 2016 Rate	Final 2017 Rate **	
San Carlos Irrigation Project (Joint Works) (See Note #4)	Basic per acre *	\$35.00	\$30.00	\$25.00	
	Final 2016 – 2017 Construction Water Rate Schedule:				
		Off Project Construction	On Project Construction – Gravity Water	On Project Construction – Pump Water	
	Administrative Fee	\$300.00	\$300.00	\$300.00	
	Usage Fee	\$250.00 per month	No Fee	\$100.00 per acre foot	
	Excess Water Rate †	\$5.00 per 1,000 gal.	No Charge	No Charge	
	† The excess water rate applies to all water used in excess of 50,000 gallons in any one month.				

Project Name	Rate Category	Final 2015 Rate	Final 2016 Rate
San Carlos Irrigation Project (Indian Works) (See Note#5)	Basic per acre *	\$86.00	\$81.00
Uintah Irrigation Project	Basic per acre	\$18.00	\$18.00
	Minimum Bill	\$25.00	\$25.00
Walker River Irrigation Project	Basic per acre	\$31.00	\$31.00

*	Notes irrigation projects where rates are adjusted.
**	The requirement for a final 2017 Rate is only applicable to the Flathead and San Carlos Irrigation Projects due to their specific billing requirements.
Note #1	Federal Register Notice on April 29, 2016 established the 2016 rate for the Flathead Irrigation Project (81 FR 25691). This notice makes final the 2017 rate for the Flathead Irrigation Project.
Note #2	The O&M rate varies yearly based upon the budget submitted by the LeClair District.
Note #3	The O&M rate for the Yuma Project, Indian Unit has two components. The first component is the O&M rate established by the Bureau of Reclamation (BOR), the owner and operator of the Project. The BOR rate for 2016 is \$110/acre. The second component is for the O&M rate established by BIA to cover administrative costs including billing and collections for the Project. The 2016 BIA rate is \$3.00/acre.
Note #4	The construction water rate schedule identifies the fees assessed for use of irrigation water for non-irrigation purposes. Federal Register Notice on April 29, 2016 established the 2016 rate for the SCIP-JW (81 FR 25691). This notice makes final the 2017 rate for the SCIP-JW.
Note #5	The 2016 O&M rate for the San Carlos Irrigation Project – Indian Works has three components. The first component is the O&M rate established by the San Carlos Irrigation Project – Indian Works, the owner and operator of the Project; this rate is \$51 per acre. The second component is for the O&M rate established by the San Carlos Irrigation Project – Joint Works and is determined to be \$25.00 per acre. The third component is the O&M rate established by the San Carlos Irrigation Project Joint Control Board and is \$5 per acre.

### **Consultation and Coordination with Tribal Governments (Executive Order 13175)**

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this notice under the Department’s consultation policy and under the criteria of Executive Order 13175 and have determined there to be substantial direct effects on federally recognized Tribes because the irrigation projects are located on or associated with Indian reservations. To fulfill its consultation responsibility to Tribes and Tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is accomplished at the individual irrigation project by project, agency,

and regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

**Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)**

The rate adjustments are not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

**Regulatory Planning and Review (Executive Order 12866)**

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

**Regulatory Flexibility Act**

These rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish “a rule of particular applicability relating to rates.” 5 U.S.C. 601(2).

**Unfunded Mandates Reform Act of 1995**

These rate adjustments do not impose an unfunded mandate on state, local, or tribal governments in the aggregate, or on the private sector, of more than \$130 million per year. They do not have a significant or unique effect on state, local, or tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

**Takings (Executive Order 12630)**

These rate adjustments do not effect a taking of private property or otherwise have “takings” implications under Executive Order 12630. The rate adjustments do not deprive the public, state, or local governments of rights or property.

### **Federalism (Executive Order 13132)**

Under the criteria in section 1 of Executive Order 13132, these rate adjustments do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement because they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government. A federalism summary impact statement is not required.

### **Civil Justice Reform (Executive Order 12988)**

This notice complies with the requirements of Executive Order 12988. Specifically, in issuing this notice, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct as required by section 3 of Executive Order 12988.

### **Paperwork Reduction Act of 1995**

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076-0141 and expires June 30, 2019.

### **National Environmental Policy Act**

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4370(d), pursuant to 43 CFR 46.210(i). In addition, the rate adjustments do not present any of the 12 extraordinary circumstances listed at 43 CFR 46.215.

## **Data Quality Act**

In developing this notice, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. No. 106-554).

Dated: March 29, 2017

Michael S. Black,

*Acting Assistant Secretary – Indian Affairs.*

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